

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

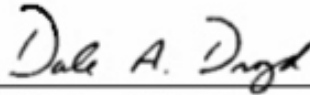
MARK J. BARBIC, No. CIV.S-04-0120 WBS DAD PS
Plaintiff,
v. FINDINGS AND RECOMMENDATIONS
COUNTY OF PLACER, et al.,
Defendants.

Plaintiff is proceeding in this action pro se and in forma pauperis pursuant to 28 U.S.C. § 1915. The matter was referred to a United States Magistrate Judge by Local Rule 72-302(21) pursuant to 28 U.S.C. § 636(b)(1).

By order filed March 14, 2005, plaintiff was granted thirty days leave to file a second amended complaint. The thirty-day period has now expired, and plaintiff has not filed a second amended complaint or otherwise responded to the court's order. Accordingly, the court HEREBY RECOMMENDS that this action be dismissed without prejudice. See L.R. 11-110; Fed. R. Civ. P. 41(b).

1 These findings and recommendations are submitted to the
2 United States District Judge assigned to the case, pursuant to the
3 provisions of 28 U.S.C. § 636(b)(1). Within twenty days after being
4 served with these findings and recommendations, plaintiff may file
5 written objections with the court. Such a document should be
6 captioned "Objections to Magistrate Judge's Findings and
7 Recommendations." Plaintiff is advised that failure to file
8 objections within the specified time may waive the right to appeal the
9 District Court's order. See Martinez v. Ylst, 951 F.2d 1153 (9th Cir.
10 1991).

11 DATED: April 29, 2005.



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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